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09/647,378	11/08/2000	Itaru Kawakami	KOIK-T0185	7333

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OBLON SPIVAK MCCLELLAND MAIER & NEUSTADT PC
1755 JEFFERSON DAVIS HIGHWAY
FOURTH FL
ARLINGTON, VA 22202

EXAMINER

CALLAHAN, PAUL E

ART UNIT	PAPER NUMBER
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2137

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DATE MAILED: 08/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/647,378

Applicant(s)

KAWAKAMI

Examiner

Paul Callahan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18,20 and 22-27 is/are allowed.
- 6) ☒ Claim(s) 1,2,4-15,17,19,21 and 28-35 is/are rejected.
- 7) ☒ Claim(s) 3 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7, 8.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-35 are pending in this application and have been examined.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1, 2, 4-11, and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 5, and 7 contain the passage: "A controlling means having a software." the meaning of "a software" is unclear and appears to be idiomatic English.

Claim 2 contains the passage: "the content data storage means stores also management information with which the content data stored in itself..." The meaning of "stored in itself" is unclear as to whether it refers to content data stored in the content data storage means or if it refers to content data stored within management information.

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Claims 4 and 6 contain the passage “formed from a software” The meaning of this passage is unclear.

The final sentences of claims 4 and 6 are unclear as to whether “...and making a computation for checking any falsification made to the content management information” refers to the program execution controller performing this calculation or whether some other outside entity performs it.

Claim 8 contains the passage: “compression means for compressing the content data stored in the content storage means in a predetermined manner.” It’s unclear whether the compression or storage step is being referred to as “in a predetermined manner.” The passage: “means for encrypting...” is unclear for the same reason.

Claim 9 equates the process of compression with the process of encryption: “...in the same manner.” It is unclear how the apparatus achieves this process.

Claim 10 contains the passage: “...and takes a predetermined common compressing or encrypting manner for outputting the data read from the content data storing means to a predetermined apparatus.” It is not clear what is meant by “...and takes a predetermined...” or what is meant by “manner.”

The final limitation found in claims 11 and 13 contains at least five nested, dependent clauses, all separated by commas, which attempt to describe the transformation and conversion of content data by an encryption program and compression program. The sentence structure of the limitation is so convoluted,

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with so many dependent clauses, that the actual process of transformation and conversion of the data cannot be determined by one of ordinary skill in the art.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 8, 11, 13, and 14 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Hsu, US 5,584,023.

As for claims 8, 12, and 14 Hsu teaches an information processing apparatus comprising: means for inputting content data (abstract); means for storing the content data supplied from the input means (abstract, fig. 1 item 22); means for compressing the content data stored in the content storage means in a predetermined means (abstract); means for encrypting the data stored in the content data storing means in a predetermined manner (abstract, fig. 4C, item 56 "Encryption Table"); Means for controlling storage or read, into or out of the content data storing means, of the content data compressed by the compressing means and encrypted by the encrypted means (abstract, fig. 1 item 18 "Disk Controller").

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As for Claims 11 and 13, Hsu teaches an information processing apparatus comprising an interface (col. 5 lines 30-35) via which content data is supplied from a predetermined recording medium or server, a storage medium for storing content data supplied by the interface (abstract, fig. 1 item 22); a compression program for compressing content data for storage into the storage medium in a predetermined manner (abstract); an encryption program for encrypting the content data for storage into storage medium in a predetermined manner (abstract, fig. 4C, item 56 "Encryption Table"); a controller for controlling storage or read, into or from the storage medium, the content data having been compressed by the compression program and encrypted by the encryption program (abstract, fig. 1 item 18 "Disk Controller"); The compression program compressing, or the encryption program encrypting, content data supplied via the interface and having been processed in different manners, in the same manner or different manners, respectively, for storage into the storage medium (abstract), and converting, when reading from the storage medium the content data having been compressed or encrypted in the different manners, respectively, the content data so that they can be compressed or encrypted in a common manner to both this apparatus and an output device (fig. 1 item 20, abstract, fig. 40). Hsu teaches an output device that is a portable device (col. 2 lines 60-67). Claim 13 represents the method utilizing the apparatus of claim 11 and is rejected on the same basis as that claim.

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7. Claims 15, 19, 21, and 28-35 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Iwayama et al. US 5,832,083.

As for claim 15, Iwayama teaches an information processing apparatus comprising: means for inputting content data (abstract); means for storing the content data supplied from the content data input means (col. 2 lines 30-38); means for holding management information for the content data stored in the content data storing means (abstract); means for making a predetermined calculation based on the management information held in the management information holding means (col. 3 lines 8-22); means for controlling usage of the content data stored in the content data storage means according to the result of a comparison made between the result of the computation made by the computing means and that of the past computation which is stored in the content data storage means (col. 3 lines 8-22).

As for claim 17, Iwayama teaches data that is music data and management information that includes identification information for identification of the music data (col. 2 lines 18-25).

Claim 19 represents the method utilizing the apparatus of claim 15 and is therefore rejected on the same basis as that claim.

Claim 21 represents the computer program product embodied in a computer-readable memory medium that when read out, causes the apparatus of claim 15 to carry out the method of claim 19. Claim 21 is therefore rejected on the same basis as claims 15 and 19.

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As for claims 28, 30, 32, 33, and 35 Iwayama teaches an information processing apparatus comprising; means for storing data (abstract, col. 2 lines 30-35); means for holding a usage rule for the data stored in the data storing means (fig. 8 item 2b, 2c); means for judging whether or no, when moving data stored in the data storing means to other apparatus, the usage rule for the data stored in the data storing means is reproducible by the other apparatus (col. 2 lines 49-57: "Permitting Device"); means for moving, based on the result of the judgment by the judging means, the data stored in the data storing means to the other apparatus along with the usage rule for the data stored in the data storing means, which is held in the holding means (col. 2 lines 60-67, col. 3 lines 1-67).

As for claims 29, 31, and 34, Iwayama teaches a usage rule that includes a playback limiting condition (abstract); a playback accounting condition (col. 5 lines 24-30); or a copy limiting condition.

Allowable Subject Matter

8. Claims 1, 4, 5, 6, and 7 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

9. Claim 2 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

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10. Claims 3 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul E. Callahan whose telephone number is (703) 305-1336. The examiner can normally be reached on M-F from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Morse, can be reached on (703) 308-4789. The fax phone number for the organization where this application or proceeding is assigned is: (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

8/23/04

Paul Callahan